



Government of India
National Commission for Scheduled Tribes

फास्ट पोस्ट
SPEED POST

0884-2300800

6th floor, B Wing,
Loknayak Bhawan,
Khan Market,
New Delhi-110 003.

No. DKR/1/2013/STGAP/SEHRMT/RU-IV

Dated: 25.04.2014

To,


The Vice Chancellor,
J.N.T. University Kakinada,
Kakinada – 533 003,
East Godavari (AP).

Sub: Representation Dr. D. Koteswara Rao, Professor of Civil Engineering regarding harassment.

Sir,


I am directed to refer to this Commission's letter of even number dated 31.01.2014 on the above subject and to enclose herewith a copy of the proceedings of the Sitting held in this Commission on 26.02.2014 for necessary action and forwarding the action taken report to the Commission within 15 days.

Yours faithfully,


(N. Balasubramanian)
Research Officer

Copy to:

Dr. Koteswara Rao,
Professor of Civil Engineering,
Deptt. of Civil Engineering,
University College of Engineering, JNTUK,
Kakinada – 533 003 (AP).


(N. Balasubramanian)
Research Officer

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- ISB -

Case No.

Y SSA (MTC)

N. O. 25/4/14
(N. O. AAS 02/20/2014)
RESEARCH OFFICER

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. DKR/1/2013/STGAP/SEHRMT/RU-IV

Proceedings of the Sitting taken by Smt. K. Kamala Kumari, Hon'ble Member, NCST on 26.02.2014 in the matter of Dr. D. Koteswara Rao, Professor of Civil Engineering, J.N.T.U.K., Kakinada (AP) regarding harassment and promotion.

Date of Sitting : 26.02.2014.

Lists of the officers present as **Annexure I**

NCST received a representation dated 20.05.2013 from Dr. D. Koteswara Rao, Professor of Civil Engineering, University College of Engineering, J.N.T.U.K. Kakinada regarding departmental harassment alleging that his junior was given Head of the Department post on 27.10.2010. Dr. D.K.Rao was not given even at the college level administrative post like officer-in-charge of examinations, officer-in-charge of hostels, and officer-in-charge of library, Deputy Warden etc. by the former Principals upto the year 2008 and also till date. Dr. D.K. Rao further complained that:

- University has cornered him by not appointing in any of the administrative responsibilities and positions by taking Regular Departmental Action (RDA).
- On completion of Ph.D, the University authorities delayed his Professor promotion in August, 2011 and he was to be promoted as Professor but was promoted in March, 2012.
- Dr. D.K. Rao appointed as Convener in "Fact Finding Committee", in respect of Al-Ameer College of Pharmacy, Gudilova, Anandapuram Mandal, Visakhapatnam Dist., along with Shri. G. Swamy Naidu, Associate Professor in Metallurgy, J.N.T.U.K., University College of Engineering, Vizianagaram as a member and visited the institution on 15.06.2010. After the visit he has submitted the report to the University Authorities by explaining the situation of the institute very clearly. The Registrar has accepted the report without the signature of the member saying that "he will get his signature on the FFC report" and affiliation

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was also given to the college. After about eight months from the date of visit, probably after receiving enquiry letter from the CBI i.e. during March, 2011, the Registrar has conveyed Dr. D.K. Rao through one of the University Official to get the signature of the member and accordingly he had obtained his signature and then resubmitted the report.

- There was a dispute with the college at the government level and CBI enquiry was held. The Registrar of the University has removed page number 1 from their report and he has signed on all the pages i.e. from page No. 2 to 9 and it is also observed that there are no signatures of FFC committee on the pages from 4 to 8 of FFC report and only Registrar signatures are available on page No. 4 to 8, as if he is responsible for these pages.
- The CBI in its enquiry report has stated that there is no misconduct of officials submitted the report in the case of Fact Finding Committee and it was not proved. However, there was some negligent on the part of the officials submitted the report. The University has constituted an enquiry committee by appointing retired High Court Judge as a Member. The enquiry committee after its enquiry, clearly mentioned that the fact finding committee were negligent in discharging their duties and not guilty of misconduct. As per A.P Civil servants conduct rules, negligence of duties if proved is not subjected to such a manner punishment which Dr. D.K. Rao has been given by the University. Simply because he come from Scheduled Tribe community and if his seniority is considered and given administrative posts the administration with an intention that his juniors working in the administrative posts will be affected and hence wantedly to deprive him from getting this opportunity.

2. The Commission sought comments of the Registrar, J.N.T.U.K., Kakinada on the representation vide letter dated 06.06.2013 followed by subsequent reminder dated 03.07.2013. The university vide letter dated 26.08.2013 informed the Commission that "the committee (Social Justice Committee) constituted in connection with the representation of Dr. D. Koteswara Rao, PCE, UCEK, J.N.T.U.K. regarding alleged

K. Kamala Kumari

के० कमला कुमारी / K. KAMALA KUMARI
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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नई दिल्ली / New Delhi

humiliation, mental agony/social injustice, met thrice on 05.06.2013, 04.07.2013 and 25.07.2013. Further, I am to state that the two external members of the committee belongs to SC and ST categories. In this connection, the Committee during its final meeting held on 25.07.2013 submitted its report regarding award of Career Advancement Scheme (CAS) with retrospective effect and also not considering his candidature for administrative positions in the University level as well as college level”.

3. The petitioner was intimated of the University reply. Dr. K. Rao submitted rejoinder having considered the reply and rejoinder it was desired to discuss the case with the Vice Chancellor, J.N.T. University, Kakinada and Hon'ble Member Smt. K. Kamala Kumari, fixed Sitting on 26.02.2014 at 12.00 noon to discuss the matter.

4. Dr. D. Koteswara Rao, petitioner was given opportunity to explain his case before the Hon'ble Commission and the Commission noted the followings:

- a. The Fact Finding Committee (FFC) was appointed by the Registrar, J.N.T.U.K. Kakinada vide Proceeding No. B1/Affiliation/2010-11 dated 08.06.2010 to verify the facts only (infrastructure) and a separate committee was constituted by the University to grant the affiliation. The duty of the FFC committee that visited the college to verify the infrastructure facilities for the academic year 2010-11 i.e. for third year B. Pharmacy only. Under the infrastructure facilities the Committee has to verify only additional built up area, additional equipment, additional books and additional faculty and staff.
- b. Dr. K. Satya Prasad and Dr. R. Kameswar Rao visited the college in the capacity of fact finding committee for the extension of affiliation for the academic year 2009-10 i.e. for second year.
- c. Dr. D. Koteswar Rao and Dr. G. Swami Naidu have visited the college in the capacity of FFC Committee for verifying the infrastructure facilities for the extension of affiliation for the academic year 2010-11 i.e. for the third year.

K. Kamala Kumari

के० कमला कुमारी / K. KAMALA KUMARI
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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- d. AICTE Committee has visited the college for granting approval to start up the new pharmacy college from the academic year 2008-09 and on the report of the AICTE Committee the approval was given for the college by the AICTE.
- e. After obtaining the AICTE approval, the college management has applied for obtaining affiliation from JNTU, Hyderabad. Accordingly, the JNTU Hyderabad has appointed Fact Finding Committee with Dr. V. Ramachandra Raju as convener and Dr. O. Srinivasa Rao as a Member and then affiliation was granted to the college for the academic year 2008-09 by JNTU, Hyderabad
- f. With the AICTE approval and JNTU, Hyderabad affiliation, the AL-Amir College of Pharmacy started its functioning for the academic year 2008-09.
- g. AICTE and 1st FFC Committee is supposed to look into the land documents, building and other infrastructure facilities to start a new pharmacy college which the 1st FFC Committee and affiliation Committee should have seen from the university.
- h. Whereas, the University has not identified any mistake with the 1st affiliation committee, 1st FFC committee visited for the academic years 2008-09 and the 4th FFC committee visited for the academic year 2011-12 as well. Under such circumstances, how the university is finding fault only with the 2nd and 3rd FFC committees visited for extending the affiliation for the academic years 2009-10 and 2010-11.
- i. That there are several cases in which the FFC committees have not recommended for extending affiliations to various colleges, even then, the University has extended affiliation irrespective of the FFC reports.
- j. Vide letter dated 15.06.2010 that a report was submitted with observations on the infrastructure facilities such as number of class rooms, number of computers, equipment, faculties etc. and recommended the University for the extension of affiliation based on infrastructure facilities available only for third year B. Pharmacy course.

K. Kamala Kumari

29-4-2014
के० कमला कुमारी / K. KAMALA KUMARI
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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नई दिल्ली / New Delhi

- k. The Registrar of JNTUK, Kakinada, instead of giving detailed clarification on the purpose of the FFC Committee which has to verify infrastructure facilities to start third year B. Pharmacy course and to grant the affiliation by the affiliation committee, the Registrar has directly sent the officers of the FFC Committee to CBI to appear before them for CBI enquiry.
- l. That the CBI did not call the First Fact Finding Committee members and also Affiliation Committee members, those who have visited in the year 2008-09.
- m. It is submitted that the Registrar has omitted page number one and made some changes in the report at his own and sent to the CBI, without the signatures of the committee members on pages 4 to 8, the Registrar has signed on all the pages of the report.
- n. Dr. D.K. Rao strongly claims that he was not responsible for the papers on which he has not signed and the person who has signed is liable to be responsible.
- o. The former Registrar Dr. V. Ravindra has signed on all the pages of the report why the former Registrar Dr. V. Ravindra has signed the report?
- p. The Committee members are made responsible for the papers on which they have not signed and the Registrar who was not supposed to sign on the report pages has not been enquired.
- q. The CBI has sent the report to the University, asking to take RDA against Dr. K. Satya Prasad, Dr. Kameswar Rao, Dr. D. Koteswar Rao and Dr. G. Swami Naidu (the Fact Finding Committee members for the academic years 2009-10 and 2010-11).
- r. that the University has appointed a committee with a single retired High Court Judge. The Hon'ble Judge has thoroughly investigated the case and felt that there is no misconduct, no guilty of the committee members and felt there is a little negligence.
- s. that Dr. D. Koteswara Rao strongly claims that, if the Registrar had not omitted page 1 from their report and also would have not done minor changes

K. Kamalakumari

क० कमला कुमारी / K. KAMALA KUMARI
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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in the report, the Hon'ble judge would not have felt that the FFC Committee were negligent.

- t. that during the enquiry by the single judge, Dr. D. Koteswara Rao have requested for page 1 and the Registrar has given reply stating that it is not available in the office of the University.
- u Dr. D. K. Rao submitted that the Regular Departmental Action was entered in the Service Register by Professor K. Padmanaban Principal without the knowledge of Dr. D. Koteswara Rao, although the Vice Chancellor has assured that it will not be entered in the Service Register.
- v Dr. D.K. Rao submitted that he has faced lot of mental agony from Dr. P. Udaya Bhaskar and Dr. V Ravindra during the submission of Ph.D thesis, for getting H.O.D post and other administrative posts and for getting Professor promotion.
- w. that he was not given any administrative post or any additional duty by the Principals and the University, though he has requested personally saying that he was the 1st ST candidate in the university and also meritorious teacher.
- x. that Dr. D.K. Rao has been facing lot of mental agony due to social boycott, created by Dr. P. Udaya Bhaskar and Dr. V. Ravindra at departmental level and also at college level and Dr. D.K. Rao has submitted Dr. P. Udaya Bhaskar purposefully made huddle for his growth by dictating to the university officials for not to assign any administrative posts and additional duties from the beginning of the service.
- y. that Dr. V. Ravindra has created lot of discrimination for him only because of his personnel benefit.

5. Prof. G. Tulasi Ram Das, Vice Chancellor explained the background of the case and said that CBI investigated into the case of AICTE and during their investigation digged the case of Al-Ameer College of Pharmacy with other universities. The Vice Chancellor further said that the former Registrar put his signatures on the FFC Report

K. Kamala Kumari

के० कमला कुमारी / K. KAMALA KUMARI
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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appears not be in order resulting in harassment to Dr. D.K. Rao in his service career. Vice Chancellor also appreciated that Dr. D.K.Rao is sincere, regular, meritorious teacher of the University.

6. The Vice Chancellor of University was informed about the functions and duties enshrined to the Commission under Article 338A of the Constitution and having the powers of Civil Court.

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath:
- (b) requiring the discovery and production of any documents
- (c) receiving evidence of affidavits
- (d) requisitioning any public record or copy thereof from any court or office
- (e) issuing commissions for the examination of witnesses and documents
- (f) any other matter which the President may by rule, determine

Conclusion

In view of above noted points and discussion, the Vice-Chancellor was advised to see that ST Professor should not be harassed in the university and also suggested that the case shall be closed from the date of its implementation and the entry of the case in Service Record shall be deleted. Dr. D.K. Rao shall be considered for getting promotion and responsibilities in the University.

A compliance report shall be sent to the Commission within 15 days.

K. Kamala Kumari

के० कमला कुमारी / K. KAMALA KUMARI
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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List of participants

NCST

1. Smt. K. Kamala Kumari, Hon'ble Member (In chair)
2. Mrs. K.D. Bhansor, Deputy Director
3. Shri N. Balasubramanian, Research Officer

Officers of J.N.T. University, Kakinada

Shri G. Tulsi Ram Das, Vice Chancellor

Petitioner

Dr. D. Koteswara Rao